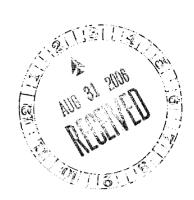
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Law Offices of
Louis E. Gitomer
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(202) 466-6532
Lou\_Gitomer@verizon.net



August 31, 2006

Honorable Vernon A. Williams Secretary Surface Transportation Board 1925 K Street, N.W. Room 700 Washington, D. C. 20423

RE: Docket No. 459 (Sub-No. 3X), The Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

Dear Secretary Williams:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and a check for the filing fee of \$3,100. Also enclosed is a computer diskette in containing the Notice.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours

Løuis E. Gitomer

Attorney for: The Central Railroad Company

of Indiana

**Enclosures** 

ANG 5 1 200

SURFACE TRANSPORTATION BOARD ENTERED Office of Proceedings

AUG 3 1 YOUR

Part of Public Protection



AUS 3 1 2006

SURFACE TRANSPORTATION BOARD





DOCKET NO. AB-459 (Sub-No. 3X)

# THE CENTRAL RAILROAD COMPANY OF INDIANA -DISCONTINUANCE EXEMPTIONIN DECATUR COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

Scott G. Williams, Esq.
Senior Vice President and General Counsel
RailAmerica, Inc.
5300 Broken Sound Boulevard N.W.
Second Floor
Boca Raton, FL 33487
(561) 226-1757

Louis E. Gitomer, Esq. 600 Baltimore Avenue Suite 301 Towson, MD 21204 (202) 466-6532

Attorneys for: THE CENTRAL RAILROAD COMPANY OF INDIANA

Dated: August 31, 2006

# BEFORE THE SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-459 (Sub-No. 3X)

# THE CENTRAL RAILROAD COMPANY OF INDIANA -DISCONTINUANCE EXEMPTIONIN DECATUR COUNTY, IN

## VERIFIED NOTICE OF EXEMPTION

The Central Railroad Company of Indiana ("CIND") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CIND to discontinue service over a 2.6-mile rail line near Greensburg, IN, between milepost 64.67, and milepost 67.27, in Decatur County, IN (the "Line"). No local rail traffic has moved over the Line during the past two years. Any overhead rail traffic can be rerouted over other rail lines.

Based on information in the possession of CIND, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

American Honda Motor Co., Inc. ("Honda") has decided to build a new car manufacturing factory near Greensburg, IN. The Line runs through the site of the new factory. In order to facilitate construction, CIND has agreed to temporarily discontinue service over the Line while the factory is built. There are no local shippers on the Line. Service will be discontinued temporarily to permit construction of the Honda factory.

Any overhead traffic on the Line can be rerouted. Once construction is completed, CIND

contemplates serving the Honda factory from the Line and recommencing appropriate rail service.

- 1. Proposed consummation date. The proposed discontinuance date is October 20, 2006.
- 2. Certification required by 49 C.F.R. § 1152.50(b). See Exhibit A.
- 3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

### (a) General.

- (1) Exact name of applicant. The Central Railroad Company of Indiana.
- (2) Whether applicant is a common carrier by railroad subject to 49U.S.C. Subtitle IV, Chapter 105. CIND is a common carrier by railroad subject to 49U.S.C. Subtitle IV, Chapter 105.
- (3) Relief sought. CIND seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue service over a 2.6-mile rail line between milepost 64.67, and milepost 67.27 near Greensburg in Decatur County, IN.
  - (4) Map. See Exhibit B-1.
- (7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (202) 466-6532.
- (8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses ZIP Code 47240.
  - (e) Rural and community impact.
- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms

of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CIND does not believe that the properties proposed for discontinuance of service are suitable for other public purposes.

- 4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed discontinuance of service will be adequately protected by the labor protective conditions in <u>Oregon Short Line R. Co. -- Abandonment --</u>
  <u>Goshen</u>, 360 I.C.C. 91 (1979).
- 5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.
- 6. Environmental Report. The Environmental Report is attached as Exhibit D.

7. Historic Report. The Historic Report is attached as Exhibit E.

Scott G. Williams, Esq.

Senior Vice President and General Counsel

RailAmerica, Inc.

5300 Broken Sound Boulevard N.W.

Second Floor

Boca Raton, FL 33487

(561) 226-1757

Louis E. Gitomer, Esq.

Respectfully submitted.

600 Baltimore Avenue

Suite 301

Towson, MD 21204

(202) 466-6532

Attorneys for: THE CENTRAL RAILROAD COMPANY OF

**INDIANA** 

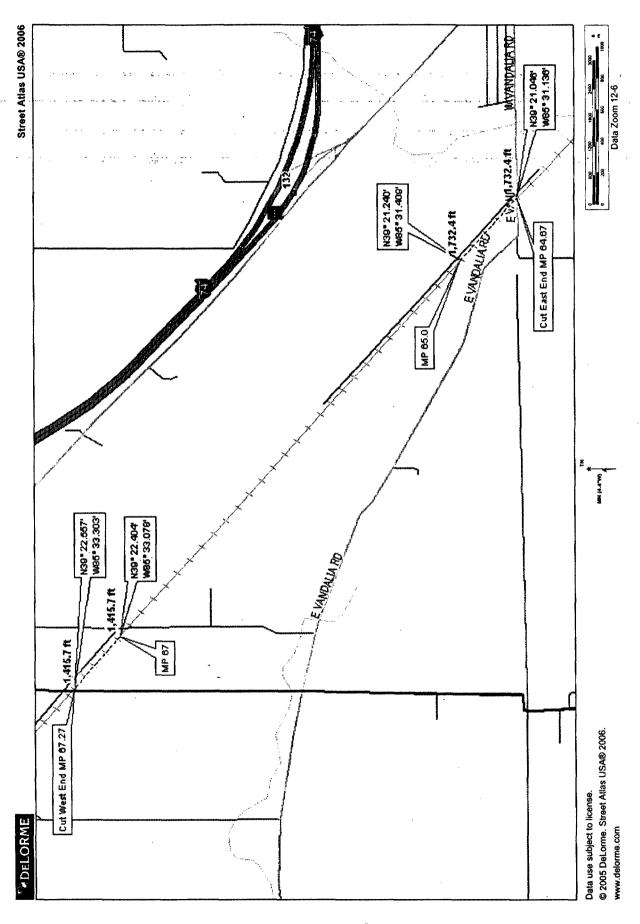
Dated: August 31, 2006

# **EXHIBIT A**

# **VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS** CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

STATE OF FLORIDA	)	SS.	•
COUNTY OF PALM BEACH	)		
I, Scott G. Williams being duly sworn depose and state that I am Senior Vice President and General Counsel of RailAmerica,, Inc., and Vice-President of its subsidiary, The Central Railroad Company of Indiana ("CIND"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.  I hereby certify that no local traffic has moved over CIND's 2.5-mile rail line between milepost 64.67, and milepost 67.27, near Greensburg, IN, in Decatur County, IN, for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CIND by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.			
		State of the second	
		Sco	tt G. Williams
SUBSCRIBED AND SWORN TO before me this 24th day of August 2006			
My Commission Expires: \obegainstructure \odots \od	$\mathcal{P}$	xut.	Notary Public
Notary Public State of Florida Kristin Dunlap My Commission DD486175 Expires 12/27/2009		RSONALLY KNOWN: ODUCED I.D.:	COMMUNITA

# **EXHIBIT B-MAP OF LINE**



НО © DeskMap Systems Inc. -H 64.67 10

## EXHIBIT C-CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed discontinuance of service in Docket No. AB-459 (Sub-No. 3X) was mailed via first class mail on August 11, 2006, to the following parties:

### State Public Service Commission

Indiana Department of Transportation Railroad Section 100 North Senate Avenue IGC-N Room N901 Indianapolis, IN 46204-2219

## Military Traffic Management Command

MTMCTEA ATTN: Railroads for National Defense 720 Thimble Shoals Blvd. Suite 130 Newport News, VA 23606-2574

#### National Park Service

Mr. Charlie Stockman RTCA Program National Park Service 1849 C St., NW (Org Code 2235) Washington, DC 20240

### National Park Service

U.S. Department of Interior National Park Service Land Resources Division 800 North Capitol St., N.E. Room 540 Washington, DC 20002

## U.S. Department of Agriculture

U.S. Department of Agriculture Chief of the Forest Service 4th Floor N.W., Auditors' Building 14th Street and Independence Avenue, S.W. Washington, DC 20250

> Louis E. Gitomer August 31, 2006

Law Offices of
Louis E. Gitomer
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(202) 466-6532
Lou\_Gitomer@verizon.net

August 11, 2006

Indiana Department of Transportation Railroad Section 100 North Senate Avenue IGC-N Room N901 Indianapolis, IN 46204-2219

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

#### Dear Sir/Madam:

Please be advised that on or after August 31, 2006, Central Railroad Company of Indiana ("CIND") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to discontinue service over a 2.6-mile rail line near Greensburg, IN, between milepost 64.67, and milepost 67.27, in Decatur County, IN (the "Line"). Based on information in our possession, the Line does not contain any federally granted right of way. Any documentation in CIND's possession will be made available promptly to those requesting it.

In connection with the proposed discontinuance, Federal Regulations at 49 C.F.R. 1152.50(d)(1) require that we provide you with the following information:

- 1. Name of railroad. Central Railroad Company of Indiana.
- 2. Description of line to be discontinued. CIND proposes to discontinue service over a 2.6-mile rail line near Greensburg, IN, between milepost 64.67, and milepost 67.27, in Decatur County, IN. The Line traverses U.S. Postal ZIP Code 47240.

Indiana Department of Transportation Railroad Section August 11, 2006 Page 2

- 3. Abandonment procedure to be followed. CIND intends to file a Notice of Exemption pursuant to 49 C.F.R. 1152.50. These exemption procedures are applicable to rail lines that have had no local traffic for at least two years and where any overhead traffic can be rerouted. No local traffic has moved over the Line for over two years, and any overhead traffic can be rerouted.
- 4. Date of filing. CIND expects to file the Notice of Exemption with the STB on or after August 31, 2006.

A map of the affected area is enclosed. If you have any questions please call or email me.

Sincerely yours

Louis E. Gitomer

Attorney for: Central Railroad Company of Indiana

Enclosure

Law Offices of
Louis E. Gitomer
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(202) 466-6532
Lou Gitomer@verizon.net

August 11, 2006

MTMCTEA ATTN: Railroads for National Defense 720 Thimble Shoals Blvd. Suite 130 Newport News, VA 23606-2574

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

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Sincerely yours

Louis E. Gitomer

Attorney for: Central Railroad Company of Indiana

Enclosure

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Lou\_Gitomer@verizon.net

August 11, 2006

National Center for Recreation and Conservation Tom Ross, Assistant Director, NCRC Department of the Interior National Park Service 1849 C St., NW (Org. Code 2220) Washington, DC 20240-0001

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

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National Center for Recreation and Conservation August 11, 2006 Page 2

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A map of the affected area is enclosed. If you have any questions please call or email me.

Sincerely yours

Louis E. Gitomer

Attorney for: Central Railroad Company of Indiana

Enclosure

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600 Baltimore Avenue
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Towson, MD 21204
(202) 466-6532
Lou Gitomer@verizon.net

August 11, 2006

U.S. Department of Interior National Park Service Land Resources Division 800 North Capitol St., N.E. Room 540 Washington, DC 20002

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

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U.S. Department of Interior National Park Service August 11, 2006 Page 2

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A map of the affected area is enclosed. If you have any questions please call or email me.

Sincerely yours

Lozis E. Gitomer

Attorney for: Central Railroad Company of Indiana

Enclosure

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Towson, MD 21204
(202) 466-6532
Lou\_Gitomer@verizon.net

August 11, 2006

U.S. Department of Agriculture Chief of the Forest Service 4th Floor N.W., Auditors' Building 14th Street and Independence Avenue, S.W. Washington, DC 20250

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

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U.S. Department of Agriculture August 11, 2006 Page 2

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- 4. Date of filing. CIND expects to file the Notice of Exemption with the STB on or after August 31, 2006.

A map of the affected area is enclosed. If you have any questions please call or email me.

Sincerely yours

Løvis E. Gitomer

Attorney for: Central Railroad Company of Indiana

Enclosure

## **CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed discontinuance of service in Docket No. AB-459 (Sub-No. 3X) was advertised on August 22, 2006 in the Greensburg Daily News, a newspaper of general circulation in Decatur County, IN, as required by 49 C.F.R. § 1105.12.

Louis E. Gitomer August 31, 2006

# EXHIBIT D

# ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-459 (Sub-No. 3X) was mailed via first class mail on August 11, 2006, to the following parties:

Indiana State Clearinghouse Indiana Department of Transportation Railroad Section 100 North Senate Avenue IGC-N Room N901 Indianapolis, IN 46204-2219

Indiana Department of Environmental Management Indiana Government Center 100 North Senate Avenue Indianapolis, IN 46206-6015

Indiana Department of Natural Resources Division of Water 402 West Washington Street, Room 2615 Indianapolis, IN 46204

Decatur County Board of Commissioners Decatur County Courthouse 150 Courthouse Square Greensburg, IN 47240

Honorable Frank P. McManus Mayor Greensburg, Indiana 314 North Michigan Greensburg, IN 47240

US Army Corps of Engineers Louisville District 600 Dr Martin Luther King Place Louisville, KY 40202 US Environmental Protection Agency Region 5 Metcalf Building Office of Strategic Environmental Analysis 77 West Jackson Boulevard Mailcode B-19J Chicago, IL 60604

US Fish and Wildlife Service Region 3 One Federal Drive BHW Federal Building Fort Snelling, MN 55111-4056

National Oceanic and Atmospheric Administration NOAA N/NGS12 National Geodetic Survey SSMC-3 #9202 1315 East West Highway Silver Spring, MD 20910-3282

US National Park Service Midwest Region 601 Riverfront Drive Omaha, NE 68102-4226

US Department of Agriculture National Resource Conservation Service 6013 Lakeside Boulevard Indianapolis, IN 46278

> Louis E. Gitomer August 31, 2006

#### **ENVIRONMENTAL REPORT**

(49 C.F.R. 1105.7)

Docket No. AB-459 (Sub-No. 3X)

# THE CENTRAL RAILROAD COMPANY OF INDIANA-DISCONTINUANCE EXEMPTION-IN DECATUR COUNTY, IN

Dated: August 31, 2006

(1) <u>Proposed Action and Alternatives</u>. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The Central Railroad Company of Indiana ("CIND") proposes to discontinue service over a 2.6-mile rail line between milepost 64.67 and milepost 67.27 all in Greensburg, IN, in Decatur County, IN (the "Line"). Upon receipt of discontinuance of service authority, CIND will temporarily discontinue service on the Line.

CIND is seeking to discontinue service over the Line to assist American Honda Motor

Co., Inc. ("Honda") in developing a new automobile manufacturing plant near Greensburg, IN.

There are no local customers on the Line. Overhead traffic on the Line can be rerouted over CSX

Transportation, Inc. ("CSXT").

The only alternative to discontinuance of service would be not to discontinue service over the Line. No traffic originates or terminates on the Line. CIND's temporary discontinuance of service is necessary to assist Honda in the construction of the Honda automobile manufacturing plant.

On July 31, 2006, CIND served notices in compliance with 49 C.F.R. § 1105.7(b). Shortly after serving the environmental notices, CIND discovered that it had provided the wrong

description of the line. In the July 31, 2006 notice, CIND described a 2.5-mile line between milepost 64.8 and milepost 67.3. Because the Line over which service is sought to be discontinued is 2.6 miles long between milepost 64.67 and milepost 67.27, CIND served corrected notices on August 11, 2006 to ensure that all parties were notified of the correct extent of the proposed discontinuance.

A map of the proposed discontinuance is attached hereto as Exhibit 1.

(2) <u>Transportation System</u>. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger service over the Line, so no passenger traffic will be diverted to other modes as a result of the proposed discontinuance of service. There is no local freight traffic on the Line that will be diverted to motor carrier. CIND anticipates that all of the overhead traffic on the Line will be rerouted over CSXT. Accordingly, the proposed discontinuance of service will have no adverse effects on regional or local transportation systems and patterns.

- (3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conversation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.
- (i) CIND considers the proposed discontinuance of service to be consistent with existing land use plans for the construction of the Honda automobile manufacturing plant. The land adjoining the Line is agricultural land.

- (ii) CIND is only discontinuing service on a temporary basis. CIND does not believe that the discontinuance of service will affect any prime agricultural land. CIND notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed discontinuance of service by letters served July 31 and August 11, 2006, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. USDA responded stating that the "project ... will not cause a conversion of prime farmland." See Exhibit 3. A copy of this report is being supplied to the USDA for its information and further comment.
  - (iii) The Line does not pass through a designated coastal zone.
  - (iv) The proposed action is a discontinuance of service, not an abandonment.
- (4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.
- (i) The proposed discontinuance of service will have no effect on the transportation of energy resources.
- (ii) The proposed discontinuance of service will have no effect on the transportation of recyclable commodities.
- (iii) The proposed discontinuance of service will have minimal effect on overall energy efficiency.
- (iv) The proposed discontinuance of service will not cause the diversion more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the Line of rail traffic to motor carriage.

- (5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at lease 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.
- (i) The proposed discontinuance of service will not result in meeting or exceeding the specified thresholds.
- (ii) The proposed discontinuance of service will not result in meeting or exceeding the specified thresholds.
- (iii) The proposed discontinuance of service will not affect the transportation of ozone depleting materials.
- (6) <u>Noise</u>. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

- (7) <u>Safety</u>. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.
- (i) The proposed discontinuance of service will have no detrimental effects on public health and safety. CIND will temporarily cease operating over the Line.
- (ii) The proposed discontinuance of service will not affect the transportation of hazardous materials. As a result of the discontinuance of service, any hazardous materials traveling overhead on the Line will be rerouted over other rail lines.
- (iii) CIND is not aware of any known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the Line.
- (8) <u>Biological Resources</u>. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.
- (i) CIND does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CIND notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed discontinuance by letters served July 31 and August 11, 2006, and requested assistance in determining whether the proposed discontinuance of service will adversely affect endangered or threatened species or areas designated as a critical habitat. *See* Exhibit 2. USF&W responded that it does "not own any lands or interests in land in

the vicinity...." and does "not have any concerns regarding real estate matters...." See Exhibit 3.

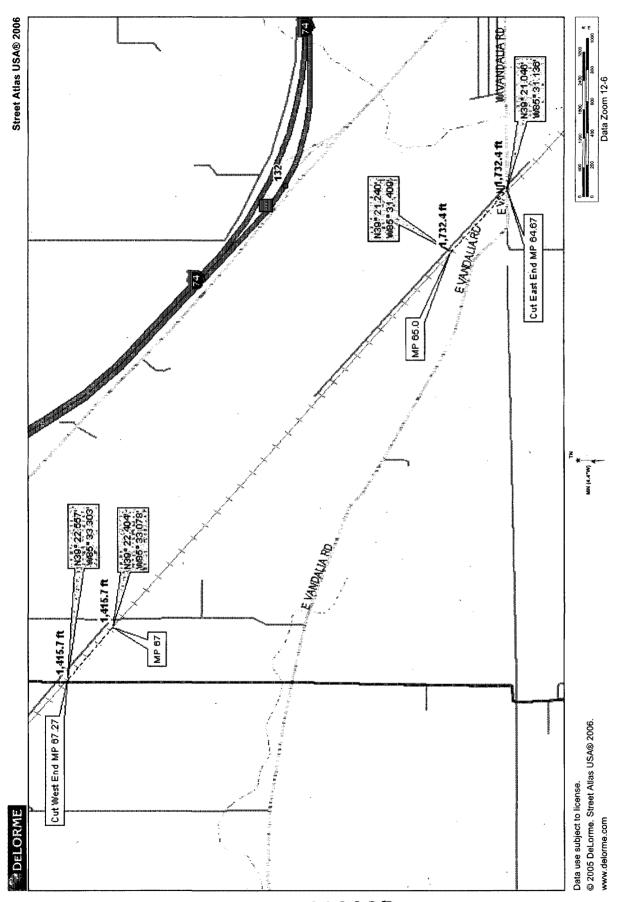
A copy of this Report was supplied to the USF&W for its information and further comment.

- (ii) CIND is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed discontinuance of service. CIND notified the National Parks Service ("NPS") of the proposed discontinuance of service by letters served July 31 and August 11, 2006, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report is being supplied to the NPS for its information and comment.
- (9) <u>Water</u>. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.
- (i) CIND is confident that the proposed discontinuance of service will be consistent with applicable water quality standards. CIND contacted the Indiana Department of Natural Resources, Division of Water ("INDNRDW") and the United States Environmental Protection Agency ("USEPA") by letters served July 31 and August 11, 2006. *See* Exhibit 2. On August 22, 2006, Mr. Norm West of the USEPA spoke with counsel for CIND and informed him that the proposed discontinuance will have no impact. By email dated August 15, 2006, the Indiana Department of Environmental Management ("IDEM") stated that it "does not have any issues with this project...." *See* Exhibit 3. To date, no response to this request has been received from the INDNRDW. A copy of this Report has been supplied to the INDNRDW and USEPA for their information and comment.

- (ii) CIND believes that no permits under section 404 of the Clean Water Act are required for the proposed discontinuance of service and that no designated wetlands or 100-year flood plains will be affected by the proposed discontinuance of service. CIND contacted the U.S. Army Corps of Engineers (the "Corps") by letters served July 31 and August 11, 2006 and has received no response to date. *See* Exhibit 2. A copy of this Report has been supplied to the Corps for its information and comment.
- (iii) CIND believes that no permit under section 402 of the Clean Water Act would be required for the discontinuance of service. CIND contacted the INDNRDW and the USEPA by letters served July 31 and August 11, 2006. *See* Exhibit 2. On August 22, 2006, Mr. Norm West of the USEPA spoke with counsel for CIND and informed him that the proposed discontinuance will have no impact. By email dated August 15, 2006, IDEM stated that it "does not have any issues with this project...." A copy of this Report has been supplied to the INDNRDW and USEPA for their information and further comment.
- (10) <u>Proposed Mitigation</u>. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CIND does not expect any adverse environmental impact from the proposed discontinuance of service and, therefore, see no need for any mitigating actions. CIND will, of course, adhere to any remedial actions suggested by the recipients of this Report, which are required by the Board.

# EXHIBIT 1 – MAP



# EXHIBIT 2 – CONSULTATION LETTERS

August 11, 2006

Indiana State Clearinghouse Indiana Department of Transportation Railroad Section 100 North Senate Avenue IGC-N Room N901 Indianapolis, IN 46204-2219

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

## Dear Sir/Madam:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

Indiana State Clearinghouse August 11, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

US Army Corps of Engineers Louisville District 600 Dr Martin Luther King Place Louisville, KY 40202

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

## Dear Madam/Sir:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

US Army Corps of Engineers August 11, 2006 Page 2

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Sincerely yours

Logis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

Decatur County Board of Commissioners Decatur County Courthouse 150 Courthouse Square Greensburg, IN 47240

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana-Discontinuance Exemption-in Decatur County, IN

### Dear Commissioners:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

Decatur County Board of Commissioners August 11, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

Indiana Department of Natural Resources Division of Historic Preservation and Archeology 402 West Washington Street Indiana South Government Center South, Room W256 Indianapolis, IN 46204

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

### Dear Madam/Sir:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Historic Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

Indiana Department of Natural Resources Division of Historic Preservation and Archeology August 11, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

Indiana Department of Natural Resources Division of Water, Environmental Unit Christie Stanifer, Environmental Coordinator 402 West Washington Street, W264 Indianapolis, IN 46204-2641

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN DNR # CTS-ER-12290

#### Dear Sir/Madam:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

Indiana Department of Natural Resources August 11, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours

Logis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

Indiana Department of Environmental Management Indiana Government Center 100 North Senate Avenue Indianapolis, IN 46206-6015

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

## Dear Sir/Madam:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

Indiana Department of Environmental Management August 11, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

Honorable Frank P. McManus Mayor Greensburg, Indiana 314 North Michigan Greensburg, IN 47240

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

# Dear Mayor McManus:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

Honorable Frank P. McManus August 11, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours

Logis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

National Oceanic and Atmospheric Administration NOAA N/NGS12 National Geodetic Survey SSMC-3 #9202 1315 East West Highway Silver Spring, MD 20910-3282

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

## Dear Madam/Sir:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

National Oceanic and Atmospheric Administration August 11, 2006 Page 2

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Sincerely yours

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

US Department of Agriculture National Resource Conservation Service 6013 Lakeside Boulevard Indianapolis, IN 46278

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

## Dear Madam/Sir:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

US Department of Agriculture August 11, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

US Environmental Protection Agency Region 5 Metcalf Building Office of Strategic Environmental Analysis 77 West Jackson Boulevard Mailcode B-19J Chicago, IL 60604

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana-

Discontinuance Exemption-in Decatur County, IN

## Dear Madam/Sir:

On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

US Environmental Protection Agency August 11, 2006 Page 2

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Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

US Fish and Wildlife Service Region 3 One Federal Drive BHW Federal Building Fort Snelling, MN 55111-4056

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana-

Discontinuance Exemption-in Decatur County, IN

## Dear Madam/Sir:

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US Fish and Wildlife Service August 11, 2006 Page 2

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Sincerely your

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

August 11, 2006

US National Park Service Midwest Region 601 Riverfront Drive Omaha, NE 68102-4226

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana-

Discontinuance Exemption-in Decatur County, IN

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On or about August 31, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.6-mile long rail line near Greensburg, IN between milepost 64.67 and milepost 67.27, all in Decatur County, IN. The Environmental Report sent to you on July 31, 2006 has been revised to reflect the change in mileposts for the proposed discontinuance of service.

US National Park Service August 11, 2006 Page 2

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Sincerely/yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

Indiana State Clearinghouse Indiana Department of Transportation Railroad Section 100 North Senate Avenue IGC-N Room N901 Indianapolis, IN 46204-2219

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

## Dear Sir/Madam:

On or about August 21, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.5-mile long rail line near Greensburg, IN between milepost 64.8 and milepost 67.3, all in Decatur County, IN.

Indiana State Clearinghouse July 31, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

US Army Corps of Engineers Louisville District 600 Dr Martin Luther King Place Louisville, KY 40202

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

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US Army Corps of Engineers
July 31, 2006
Page 2

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Sincerely, yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

Decatur County Board of Commissioners Decatur County Courthouse 150 Courthouse Square Greensburg, IN 47240

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

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Decatur County Board of Commissioners July 31, 2006 Page 2

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Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

Indiana Department of Natural Resources Division of Water 402 West Washington Street, Room 2615 Indianapolis, IN 46204

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

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Indiana Department of Natural Resources July 31, 2006 Page 2

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Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

Indiana Department of Environmental Management Indiana Government Center 100 North Senate Avenue Indianapolis, IN 46206-6015

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

### Dear Sir/Madam:

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Indiana Department of Environmental Management July 31, 2006 Page 2

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Sincerely yours

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

Honorable Frank P. McManus Mayor Greensburg, Indiana 314 North Michigan Greensburg, IN 47240

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana—Discontinuance Exemption—in Decatur County, IN

# Dear Mayor McManus:

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Honorable Frank P. McManus July 31, 2006 Page 2

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Sincerely yours

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

National Oceanic and Atmospheric Administration NOAA N/NGS12 National Geodetic Survey SSMC-3 #9202 1315 East West Highway Silver Spring, MD 20910-3282

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On or about August 21, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.5-mile long rail line near Greensburg, IN between milepost 64.8 and milepost 67.3, all in Decatur County, IN.

Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone 202-565-1538 and refer to the above Docket No. AB-459 (Sub-No. 3X).

National Oceanic and Atmospheric Administration July 31, 2006 Page 2

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Sincerely)yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

US Department of Agriculture National Resource Conservation Service 6013 Lakeside Boulevard Indianapolis, IN 46278

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Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone 202-565-1538 and refer to the above Docket No. AB-459 (Sub-No. 3X).

US Department of Agriculture July 31, 2006 Page 2

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 202-466-6532, email at Lou\_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

US Environmental Protection Agency Region 5 Metcalf Building Office of Strategic Environmental Analysis 77 West Jackson Boulevard Mailcode B-19J Chicago, IL 60604

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

#### Dear Madam/Sir:

On or about August 21, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.5-mile long rail line near Greensburg, IN between milepost 64.8 and milepost 67.3, all in Decatur County, IN.

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US Environmental Protection Agency July 31, 2006 Page 2

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Sincerely yours.

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

US Fish and Wildlife Service Region 3 One Federal Drive BHW Federal Building Fort Snelling, MN 55111-4056

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

#### Dear Madam/Sir:

On or about August 21, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.5-mile long rail line near Greensburg, IN between milepost 64.8 and milepost 67.3, all in Decatur County, IN.

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US Fish and Wildlife Service July 31, 2006 Page 2

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Sincerely vours.

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

July 31, 2006

US National Park Service Midwest Region 601 Riverfront Drive Omaha. NE 68102-4226

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana-

Discontinuance Exemption-in Decatur County, IN

#### Dear Madam/Sir:

On or about August 21, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.5-mile long rail line near Greensburg, IN between milepost 64.8 and milepost 67.3, all in Decatur County, IN.

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US National Park Service July 31, 2006 Page 2

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Sincerely yours,

Louis E. Gitomer

Actorney for Central Railroad Company of Indiana

July 31, 2006

Indiana Department of Natural Resources Division of Historic Preservation and Archeology 402 West Washington Street Indiana South Government Center South, Room W256 Indianapolis, IN 46204

> RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

#### Dear Madam/Sir:

On or about August 21, 2006, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indiana to discontinue service over a 2.5-mile long rail line near Greensburg, IN between milepost 64.8 and milepost 67.3, all in Decatur County, IN.

Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent historic analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's historic review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone 202-565-1538 and refer to the above Docket No. AB-459 (Sub-No. 3X).

Indiana Department of Natural Resources Division of Historic Preservation and Archeology July 31, 2006 Page 2

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Sincerely yours.

Louis E Gitomer

Attorney for Central Railroad Company of Indiana

## EXHIBIT 3 – RESPONSES

#### **United States Department of Agriculture**



Natural Resources Conservation Service 6013 Lakeside Blvd. Indianapolis, IN 46268

August 8, 2006

Louis E. Gitomer 600 Baltimore Avenue Suite 301 Towson, MD 21204

Dear Mr. Gitomer:

The project to discontinue railroad service over a 2.5 mile long rail line near the City of Greensburg, Decatur County, Indiana, as referred to in your letter of July 31, 2006, will not cause a conversion of prime farmland.

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342.

Sincerely,

JANE E. HARDISTY

State Conservationist



### United States Department of the Interior

#### FISH AND WILDLIFE SERVICE Bishop Henry Whipple Federal Building 1 Federal Drive Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RE - General Railroad Abandonments

August 11, 2006

Mr. Louis E. Gitomer Law Offices of Louis E. Gitomer 600 Baltimore Avenue Suite 301 Towson, Maryland 21204

Dear Mr. Gitomer:

Thank you for the opportunity to comment on the proposed abandonment of a 2.5-mile long rail line near Greensburg, Indiana, between milepost 64.8 and milepost 67.3, Decatur County, Indiana; STB Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana.

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

Patrick G. Carroll Senior Realty Officer Division of Realty

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#### Lou Gitomer

From: LEVENHAGEN, ERIC [ELEVENHA@idem.IN.gov]

Sent: Tuesday, August 15, 2006 2:38 PM

To: Lou\_Gitomer@verizon.net

Subject: Docket No. 459 Environmental Review- Decatur County, Indiana

Mr. Gitomer,

You can print off a copy of the Indiana Department of Environmental Management's (IDEM) Environmental Review letter for your project at <a href="https://www.in.gov/idem/enviroreview">www.in.gov/idem/enviroreview</a>. You just need to provide a brief summary of the project with your contact information, then hit "Submit" to print off the letter for your records.

IDEM does not have any issues with this project to discontinue rail service near Greensburg, Indiana for Central Railroad Company of Indiana.

Please contact me if you have any questions,

Eric Levenhagen IDEM Legislative & Business Liaison 317-234-3386 elevenha@idem.in.gov

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.1.405 / Virus Database: 268.10.10/419 - Release Date: 8/15/2006

#### **EXHIBIT E**

#### HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-459 (Sub-No. 3X) was mailed via first class mail on August 11, 2006, to the following party:

Indiana Department of Natural Resources Division of Historic Preservation and Archeology 402 West Washington Street Indiana Government Center South, Room W256 Indianapolis, IN 46204

> Louis E. Gitomer August 31, 2006

#### HISTORIC REPORT

(49 C.F.R. 1105.8)

Docket No. AB-459 (Sub-No. 3X)

# THE CENTRAL RAILROAD COMPANY OF INDIANA–DISCONTINUANCE EXEMPTION–IN DECATUR COUNTY, IN

Dated: August 31, 2006

The Historic Report should contain the information required by 1105.7(e)(1) of the Environmental Report. The following is excerpted from the Environmental Report prepared for the proposed abandonment:

(1) <u>Proposed Action and Alternatives</u>. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The Central Railroad Company of Indiana ("CIND") proposes to discontinue service over a 2.6-mile rail line between milepost 64.67 and milepost 67.27 all in Greensburg, IN, in Decatur County, IN (the "Line"). Upon receipt of discontinuance of service authority, CIND will temporarily discontinue service on the Line.

CIND is seeking to discontinue service over the Line to assist American Honda Motor Co., Inc. ("Honda") in developing a new automobile manufacturing plant near Greensburg, IN.

There are no local customers on the Line. Overhead traffic on the Line can be rerouted over CSX Transportation, Inc. ("CSXT").

The only alternative to discontinuance of service would be not to discontinue service over the Line. No traffic originates or terminates on the Line. CIND's temporary discontinuance of service is necessary to assist Honda in the construction of the Honda automobile manufacturing plant.

On July 31, 2006, CIND served notice in compliance with 49 C.F.R. § 1105.8(c). Shortly after serving the historic notice, CIND discovered that it had provided the wrong description of the line. In the July 31, 2006 notice, CIND described a 2.5-mile line between milepost 64.8 and milepost 67.3. Because the Line over which service is sought to be discontinued is 2.6 miles long between milepost 64.67 and milepost 67.27, CIND served a corrected notice on August 11, 2006 to ensure that all parties were notified of the correct extent of the proposed discontinuance.

A map of the proposed discontinuance is attached hereto as Exhibit 1.

#### HISTORIC REPORT

- 1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;
- U.S. Geological Survey Maps have been supplied to the Indiana Department of Natural Resources Division of Historic Preservation and Archeology ("INHPA"). *See* Exhibit 3.
- 2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way, which averages 100-feet in width, at milepost 64.67, begins at West Vandalia Road, northwest of Greensburg. From milepost 64.67, the Line runs in a northwesterly direction, straight and level. At milepost 66.95, the Line crosses County Road 350 West. The Line continues to its end at milepost 67.27. The Line runs through an agricultural area. The Line does not cross any rivers.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no railroad structures on the Line. Hence, no photographs are included in this Historic Report.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

There are no structures on the Line. The track is 127 pound bolted rail in 39-foot sections, Dudley rolled in the 1930s. The other track material is of similar age.

CIND contacted INHPA. *See* Exhibit 2. No response has been received. A copy of this Report has been mailed to INHPA.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

CIND uses the Line for limited overhead service of about 500 cars per year. There has been no local service over the Line for at least two years. CIND is discontinuing service over the Line on a temporary basis so that rail operations will not interfere with the construction of the Honda automobile manufacturing plant.

CIND owns and operates approximately 81 miles of rail line located between milepost 0.0, (Wood Street) at Cincinnati, OH, and milepost 81.0, at Mack, near Shelbyville, IN. CIND also has overhead trackage rights over the 76.2 miles of CSXT rail line located between milepost 81.0, at Shelbyville, and milepost 35.3, at Frankfort, IN. CIND also operates under trackage rights from CSXT pursuant to a February 9, 1996 agreement (the 1996 Agreement") from the connection of CIND on CSXT's connection track T-1415(D)(1) at Ownership Point (O.P.) 1+53 at North Bend, OH, near CSXT's milepost B.C. 15 and CSXT's connection with CIND on CSXT's connection track T-2 at O.P. 1144+96.2 at Lawrenceburg, IN near CSXT's milepost 22, a distance of approximately seven miles.

CIND acquired the former Pennsylvania Railroad Line from Consolidated Rail Corporation.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

CIND possesses the valuation maps of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

There are no bridges on the Line. CIND believes that the structures on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also CIND's opinion that there are no archeological resources or other railroad related historic properties in the project area.

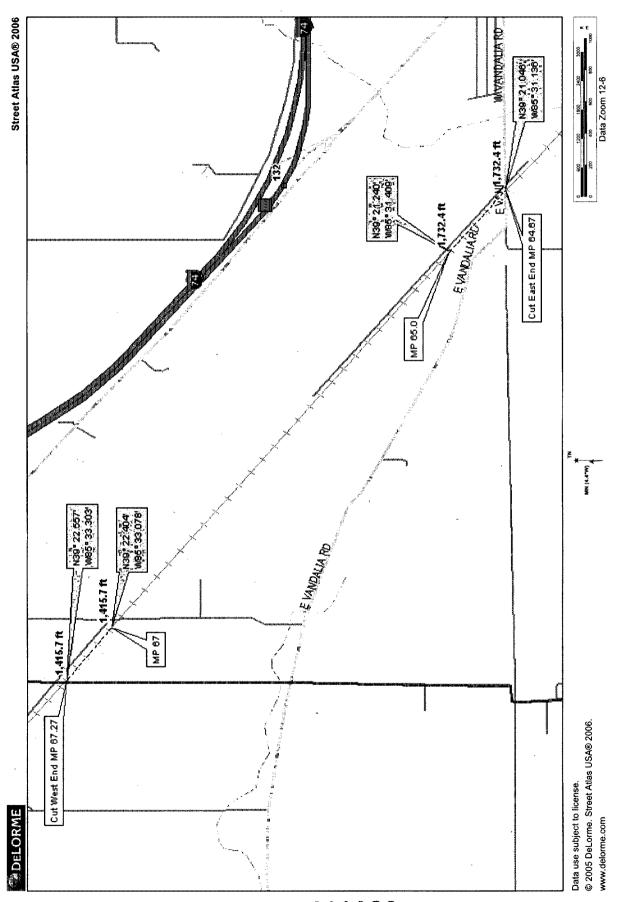
8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

CIND believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

CIND does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line discontinuance of service other than that information previously submitted. But, if any additional information is requested, CIND will promptly supply the necessary information.

### EXHIBIT 1



### EXHIBIT 2

August 11, 2006

Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana South Government Center South, Room W256
Indianapolis, IN 46204

RE: Docket No. 459 (Sub-No. 3X), Central Railroad Company of Indiana— Discontinuance Exemption—in Decatur County, IN

#### Dear Madam/Sir:

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Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent historic analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's historic review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone 202-565-1538 and refer to the above Docket No. AB-459 (Sub-No. 3X).

Indiana Department of Natural Resources Division of Historic Preservation and Archeology August 11, 2006 Page 2

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Sincerely yours,

Louis E. Gitomer

Attorney for Central Railroad Company of Indiana

### EXHIBIT 3

The USGS Map was included in the copy of the Historic Repost filed with the Michigan Historic Center, but is not included with this Notice of Exemption.